

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
MAYHEM SERVICES, LLC, et al.,  
  
Defendants.

CASE NO. 2:25-cr-00005-LK  
  
ORDER DECLINING TO ADOPT  
R&R REGARDING MAYHEM  
SERVICES, LLC'S PLEA OF  
GUILTY

This matter comes before the Court on Magistrate Judge David W. Christel's Report and Recommendation, Dkt. No. 30, which recommends that this Court accept Defendant Mayhem Services, LLC's Plea Agreement pursuant to Federal Rule of Criminal Procedure 11(c)(1)(B), Dkt. Nos. 27, 34. The Court previously requested supplemental briefing regarding whether it could accept the Plea Agreement despite the fact that (among other problems) it does not specify the statutory subsections to which Mayhem Services is pleading guilty. Dkt. No. 36 at 1–2.

Mayhem Services contends that the Court should accept its guilty plea because “the Joint Factual Statement” attached to the plea agreement “correctly identifies the Lacey Act subsections charged in the Superseding Information.” Dkt. No. 39 at 3. The Government did not comply with

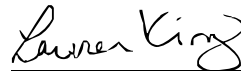
1 the Court’s directive to file a supplemental brief, but Mayhem Services indicates that the  
2 Government “supports [its] request” that the Court accept the Plea Agreement. *Id.* at 4.

3 Federal Rule of Criminal Procedure 11(b)(1) lists various requirements that must be met  
4 “[b]efore the court accepts a plea of guilty.” As relevant here, these requirements include that the  
5 defendant has been informed of and understands “the nature of each charge to which the defendant  
6 is pleading[.]” Fed. R. Crim. P. 11(b)(1)(G). The Court must also determine that there is a factual  
7 basis for the plea. Fed. R. Crim. P. 11(b)(3).

8 Here, nothing in the Plea Agreement—including the attached Statement of Facts—  
9 unambiguously identifies the crimes to which Mayhem Services is pleading guilty. As the Court  
10 previously noted, Count 1 of the Superseding Information charges Mayhem Services with  
11 “violation of Title 16, United States Code, Sections 3372(a)(1), 3372(a)(2)(A), 3372(a)(4), and  
12 3373(d)(2), and Title 18, United States Code, Section 2.” Dkt. No. 23 at 2. In its Plea Agreement,  
13 Mayhem Services pleads guilty to “the charge contained in the Superseding Information,” which  
14 it describes as “Lacey Act Trafficking, in violation of Title 16, United States Code, Sections 3372  
15 and 3373.” Dkt. No. 27 at 1; Dkt. No. 34 at 1. The Plea Agreement does not specify the subsections  
16 to which Mayhem Services pleads guilty, nor does it specify that Mayhem Services is pleading  
17 guilty to any violation of Title 18. The Statement of Facts does not salvage this deficiency. Various  
18 paragraphs generally describe actions that the Lacey Act and Migratory Bird Treaty Act—  
19 including the subsections at issue here—make unlawful. Dkt. No. 40 at 1–2; *see also* Dkt. No. 37  
20 docket text. Other paragraphs describe actions that Mayhem Services took, Dkt. No. 40 at 4, but  
21 never expressly state that these actions were in violation of the relevant subsections. *See United*  
22 *States v. Blouin*, 74 M.J. 247, 252 (C.A.A.F. 2015) (where relevant documents “all fail to establish  
23 which subsection [the defendant] was charged under and which subsection he pled guilty to,” there  
24 “exists a substantial basis in law and fact to question the providence of the guilty plea”).

1 Because the record does not adequately reflect that Mayhem Services has been informed  
2 of and understands “the nature of each charge to which [it] is pleading,” Fed. R. Crim. P.  
3 11(b)(1)(G), the Court DECLINES to adopt the R&R, STRIKES the sentencing hearing scheduled  
4 for October 16, 2025, Dkt. No. 31, and REINSTATES the pretrial scheduling order, Dkt. No. 21.<sup>1</sup>  
5 This Order is without prejudice to the parties executing a new plea agreement that adequately  
6 identifies the crimes to which Mayhem Services pleads guilty. The Clerk is directed to send a copy  
7 of this Order to Judge Christel.

8 Dated this 21st day of August, 2025.

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10 Lauren King  
11 United States District Judge  
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24 <sup>1</sup> The Pretrial Motions deadline has passed.